

Remarks

The Office Action mailed April 6, 2006 has been carefully considered. As such, Claims 1-7; and 9-15 remain in the case with none of the claims being allowed.

The Examiner had rejected Claims 1 and 9 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,768,758 issued to Deignan *et al.* In addition, the Examiner had rejected Claims 1-5 and 7, under 35 U.S.C. 103 as being unpatentable over U.S. Patent No. 5,768,758 issued to Deignan *et al.* Reconsideration and allowance is respectfully requested in view of the following remarks.

To be anticipated under 35 U.S.C. 102(b), each element of a claim must be shown in the prior art. In this case, all elements of the claims are not taught by Deignan *et al.*

The present invention claims a mattress closing tape comprising a narrow-width textile fabric band formed of a set of warp yarns and multiple fillings inter-knitted in a crochet warp knitted construction having a base fabric layer and a patterned fabric layer each extending substantially the full lengthwise and widthwise extent of the band. The base fabric layer and the patterned layer are integrally-knitted together in overlying substantially coextensive relation to one another in fabric structure which is substantially flat in cross-section and sufficiently flexible to be adapted to closely conform to an edge bead of a mattress.

In contrast, Deignan *et al.* teaches a knitting process wherein a web is formed. "A space is provided for cord 22 by eliminating one or more warp knitting yarns 38." (Col. 4, lines 42-43) Typically, "three yarns are elemental and the needles associated therewith also are removed to allow proper feeding of the cord into the web." (Col. 4, lines 48-51) Therefore, each layer of the Deignan *et al.* web does not extend the "full lengthwise and widthwise extent" of the web as recited in Claims 1 and 9 of the present invention.

The product resulting from the process of the present invention and that of Deignan *et al.* is different. In the present invention, each layer of the web is integrally knitted across the full length and width. In contrast, Deignan *et al.* constructs a web having a channel that is formed by eliminating warp knit yarns.

Since Deignan *et al.* teaches a method and apparatus for attaching upholstery to seats, the channel and inserted cord are critical. As noted in the specification of the present invention, "a bead or cord is typically enclosed within a narrow width fabric band." (See Specification page 1,

lines 6-7) As such, it would not have been obvious to a person of ordinary skill in the art at the time the invention was made to remove the channel and cord to create a fully integral flat web.

The Applicant submits that by this amendment he has placed the case in condition for immediate allowance and such action is respectfully requested. However, if any issue remains unresolved, Applicant's attorney would welcome the opportunity for a telephone interview to expedite allowance and issue.

Respectfully submitted,



Edward W. Rilee
Registration No. 31,869
MacCord Mason PLLC
P. O. Box 2974
Greensboro, NC 27402
(336) 273-4422

Date: June 30, 2006
File No.: 2124-026

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